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**Select Committee on  
Environmental Health Committee**

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**HB 1039**

**Brief Description:** Allowing the department of ecology to issue opinions for a portion of a facility under the model toxics control act.

**Sponsors:** Representatives B. Sullivan, Kenney and Chase.

**Brief Summary of Bill**

- Directs the Department of Ecology to issue written opinions under the Model Toxics Control Act, in appropriate situations, stating that further remedial action is not necessary for a facility or portion of a facility that has a common owner.

**Hearing Date:** 1/18/07

**Staff:** Amy McCormick (786-7290).

**Background:**

The Department of Ecology (Department) administers the Model Toxics Control Act (MTCA) (Chapter 70.105D RCW). As part of its administration, the Department is authorized to advise and assist owners of contaminated land. Advice and assistance regarding independent remedial actions may be provided in a written opinion by the Department. The written opinion may address whether independent remedial action or proposals for those actions meet requirements of MTCA or whether further independent remedial action is required (RCW 70.105D.030(1)(I)). This written opinion may result in what is informally referred to by the Department as a "No Further Action" (NFA) letter or opinion.

Written opinions or advice given by the Department apply to facilities. Facilities generally consist of any site where contamination or a hazardous substance is located (RCW 70.105D.020 (4)). A facility may consist of one or more parcels of land with common owners or different owners. The Department does not issue NFA opinions for portions of facilities if the entire facility would not be issued a NFA opinion.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:**

Where appropriate given the conditions or proposed remedial actions, the Department must issue written opinions stating that further remedial action under the MTCA is not necessary for a complete facility or for a portion of a facility that has a common owner. An opinion may be limited to a portion of a facility without reflecting on the whole facility.

**Appropriation:** None.

**Fiscal Note:** Requested on January 12, 2007.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.